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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/638,150	08/07/2003	Edward G. Tiedemann, JR.	990524C1	6078
23696	7590	02/07/2006	EXAMINER	
QUALCOMM, INC 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			BAYARD, EMMANUEL	
			ART UNIT	PAPER NUMBER
			2638	

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

100

Office Action Summary	Application No.	Applicant(s)	
	10/638,150	TIEDEMANN, ET AL.	
	Examiner	Art Unit	
	Emmanuel Bayard	2638	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in response to RCE filed on 11/15/05 in which claims 1, 3-6 are pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-6 are rejected under 35 U.S.C. 102(e) as being anticipated by
Volftsun et al U.S. Patent No 6,967,972 B2.

As per claim 1, Volftsun et al teaches a wireless apparatus for processing calls in a communication system, the wireless apparatus comprising: a controller (see figs. 4-7 element 300) to receive an message or notifications is the same as the claimed (indications) of a first call and to instantiate a first call control state machine of a type in accordance with a type of the first call, the first call control state machine being used to control processing of the first call (see figs.4-7 elements 410, 402a,714 and col.9, lines 29-40 and col.14, lines 1-67), wherein the controller is further configured to receive an indication of a second call while the first call is pending and instantiates a second call control state machine of a type in accordance with a type of the second call, the first and second call control state machines being used to concurrently control processing of

Art Unit: 2638

the first and second calls, respectively (see figs. 4-7 elements 412, 402b, 718 and col.9, lines 29-40 and col.14, lines 1-67 and col.21, lines 30-55 and col.30, lines 30-60).

As per claim 3, Volftsun et al teaches determines a first service option connection for the first call, the first service option connection including information indicative of a set of parameters to be used for data transmission with respect to the first call (see col.2, lines 55-65 and col.4, lines 4-14).

As per claim 4, Volftsun et al inherently teaches the set of parameters includes parameters identifying one or more physical channels to be used for data transmission with respect to the first call.

As per claim 5, Volftsun et al inherently teaches determining a second service option connection for the second call, the second service option connection including information indicative of a set of parameters to be used for data transmission with respect to the second call.

As per claim 6, Volftsun et al inherently teaches the set of parameters includes parameters identifying one or more physical channels to be used for data transmission with respect to the second call.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Bayard whose telephone number is 571 272

Art Unit: 2638

3016. The examiner can normally be reached on Monday-Friday (7:Am-4:30PM)

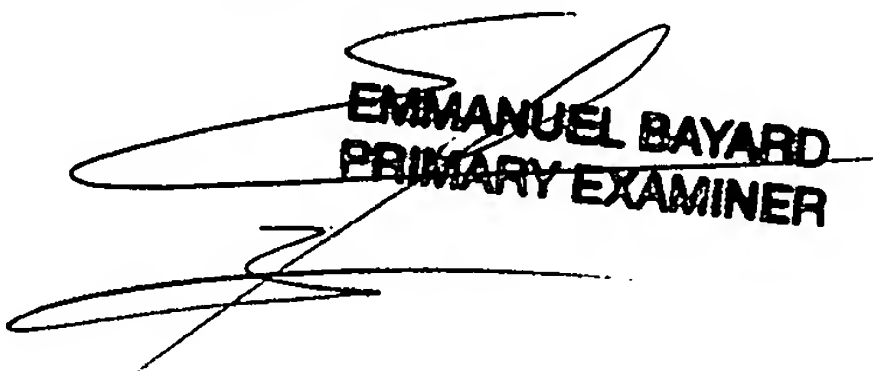
Alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vanderpuye Kenneth can be reached on 571 272 3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Bayard
Primary Examiner
Art Unit 2638

2/3/06



EMMANUEL BAYARD
PRIMARY EXAMINER